

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SAM HARGROVE, et al.,

Plaintiffs,

v.

SLEEPY'S LLC,

Defendant.

Civil Action No. 3:10-cv-01138-PGS-LHG

ORDER

ORDER

THIS MATTER having come before the Court on: (1) Sleepy's Motion for Judgment on the Pleadings and to Dismiss All Claims (ECF No. 279); (2) Sleepy's Motion for Default Judgment (ECF No. 280); (3) Plaintiffs' Motion to Remove Default (ECF No. 281); and (4) Plaintiffs' Renewed Motion for Class Certification; and the Court having carefully reviewed and taken into consideration the submissions of the parties, as well as the arguments and exhibits therein presented; and for good having been cause shown, and for all of the foregoing reasons,

IT IS on this 1st day of March, 2022,

ORDERED that Sleepy's Motion for Judgment on the Pleadings and to Dismiss All Claims (ECF No. 279), including the motion to dismiss Counts 3 and 4, or alternatively strike the jury demand are **DENIED**; and it is further;

ORDERED that Sleepy's third-party crossclaims are **DISMISSED** sua sponte; and it is further;

ORDERED that Plaintiffs' Motion to Remove Default (ECF No. 281), is **DENIED AS MOOT**; and it further

ORDERED that Plaintiffs' Renewed Motion for Class Certification (ECF No. 297), is **GRANTED** in part with respect to liability and **DENIED** in part with respect to damages; and it is further.

ORDERED that a status conference shall occur on May 17, 2022 at 11:00 a.m. by telephone. The Clerk shall provide the logistics for the call.



PETER G. SHERIDAN, U.S.D.J.